

### **DETAILED ACTION**

Claims 1 and 5 have been cancelled.

Claims 2-4 and 6-25 have been examined.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "is disclosed" and purported merits, e.g., "improved", etc.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 7, 10, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "finlike" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 6, 7, and 9-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Peters et al (US Patent 5,830,195).

As to Claims 11 and 14, Peters et al disclose a luer fitting assembly (Fig 1) comprising a male luer fitting member (2) having a longitudinal axis and adapted for connection at a forward end thereof with a female luer fitting (4), respectively, the luer fitting member comprising a conical restraining surface (11), the conical restraining surface comprising a rim (Fig 1) providing an end surface facing distally that is approximately orthogonal to said longitudinal axis; and

a locking member (7, 25) comprising a hollow central lumen, an annular, inwardly protruding plateau shaped protrusion (9) providing an end surface facing proximally that is approximately orthogonal to said longitudinal axis of said lumen (Figs 1 and 4), and a body (15) that extends axially beyond at least a portion of the conical restraining surface and toward the forward end of the luer fitting member (Fig 1);

wherein the locking member can, in assembly of the connector assembly, be moved from a rearward end of the luer fitting member toward the forward end thereof (Fig 1), with said protrusion snapping over said conical restraining surface to position said rim end surface and said protrusion end surface to engage each other to provide a positive stop against separation of the locking member from the luer fitting member (Fig

1).

As to Claims 2, 3, 10, 17 and 18, Peters et al disclose a luer fitting assembly wherein the locking member comprises a finlike handle and an undulating grip (Fig 4).

As to Claims 4 and 19, Peters et al disclose a luer fitting assembly wherein the locking member comprises a skeletal handle (15, Fig 1; Examiner notes that there are no structural limitations defining what a skeletal handle comprises, and that applicant is merely naming the handle).

As to Claim 6, Peters et al disclose a luer fitting assembly wherein the locking member (7, 25) comprises a cavity grip having an indentation approximating the shape of a human thumbprint (Fig 4).

As to Claim 7, Peters et al disclose a luer fitting assembly wherein the finlike handle radially extends outward from approximately one longitudinal end of the locking member (Fig 1).

As to Claim 9, Peters et al disclose a luer fitting assembly wherein the locking member comprises both a skeletal handle and an undulating grip (See Examiner's Figure above).

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As to Claims 12 and 15, Peters et al disclose a luer fitting assembly wherein the rim end surface uniformly mates with a corresponding annular surface of the plateau shaped protrusion (Fig 1; Col 3 Line 67 and Col 4, Lines 1-3).

As to Claims 13 and 16, Peters et al disclose a luer fitting assembly wherein the rim uniformly mates with a corresponding annular surface of the plateau shaped protrusion (Fig 1; Col 3 Line 67 and Col 4, Lines 1-3).

As to Claim 20, Peters et al disclose a luer fitting assembly wherein the locking member is rotatably mounted upon said one of the male or female luer fitting members (Col 3, Lines 65-67).

As to Claim 21, Peters et al disclose a luer fitting assembly wherein said luer fitting member is a male luer fitting member (Fig 1).

As to Claim 22, Peters et al disclose a luer fitting assembly, further comprising a female luer fitting member (4) into which said forward end of said male luer fitting member is inserted, said female luer fitting member being connected to said locking member (Fig 1).

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As to Claim 23, Peters et al disclose a luer fitting assembly wherein said rim is adapted to have a clearance fit in said locking member proximally of said protrusion end surface (Fig 1; Col 3, Lines 65-67).

As to Claim 24, Peters et al disclose a luer fitting assembly wherein said locking member has a rotatable fit with respect to the luer fitting member when said rim is proximal of said protrusion (Col 3, Lines 65-67).

As to Claim 25, Peters et al disclose a luer fitting assembly comprising:

a male luer fitting member (2) having a longitudinal axis and adapted for connection at a forward end thereof with a female luer fitting (4), respectively, the luer fitting member comprising a conical restraining surface (11), the conical restraining surface comprising a rim providing a distally-facing surface (Fig 1); and

a locking member (7,25) comprising a hollow central lumen, an annular, inwardly protruding plateau shaped protrusion (9) providing a proximally-facing surface, and a body that extends axially beyond at least a portion of the conical restraining surface and toward the forward end of the luer fitting member (Figs 1 and 4);

wherein the locking member can in assembly of the connector assembly be moved from a rearward end of the luer fitting member toward the forward end thereof, with said protrusion snapping over said conical restraining surface, with the locking member having a rotatable fit with respect to the luer fitting member when said rim is proximal of said protrusion; and wherein said proximally-facing surface is adapted in

use of the connection to engage said distally-facing surface as a positive stop (Figs 1 and 4).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peters et al in view of Werschmidt et al (US Patent 5,620,427)

Peters et al disclose the luer fitting assembly significantly as claimed, but do not disclose wherein the undulating grip comprises ten waves. Peters et al do not disclose any structural or functional significance as to the number of undulations on the grip. It has been consistently held that change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Accordingly it would have been obvious to one of ordinary skill in the art to modify the assembly of Peters et al to have the undulating grip comprising ten waves as the reference does not disclose any structural or functional significance as to the number of undulations on the grip as this is merely a change in shape yielding expected and predictable results.

***Response to Arguments***

Applicant's arguments with respect to claims 2-4 and 6-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment, specifically the addition of the limitations of the rim and the locking member providing cooperating end surfaces facing each other to provide a positive stop against separation (Claim 11, Lines 5, 9,10 and 15-17), necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA T. KENNEDY whose telephone number is (571)272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua T. Kennedy/  
Examiner, Art Unit 3679  
3/2/2009

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